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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Hans-Georg Brauer

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3648

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EXAMINER

KELLER, MICHAEL J

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

02/04/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,849	<b>Applicant(s)</b> BRAUER ET AL.	
	<b>Examiner</b> Michael J. Keller	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                     |                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/09/2009</u> . | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. In the reply filed 10/09/2009, Applicant has amended claims 1, 5-8, 10 and 12-16, and canceled claim 4.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3 and 5-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 1, 8 and 15 recite "the mounting area including integrally formed side walls and a back wall". Does this mean that the side walls are integrally formed, and a back wall is also included, or that the side walls and the back wall are integrally formed with each other?

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-3, 5, 6, 8-13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Velthaus et al. (US 6,574,922).**

7. Velthaus discloses a drum housing comprising: a mounting area having integrally formed side walls and a back wall; a first area of the mounting area having a first

Art Unit: 3634

diameter; a second area of the mounting area having a second diameter as shown in the figure below; and a thrust bearing 54' integrally formed on the back wall aligned with the first and second areas, as shown below. Examiner notes that no cable drum has been claimed, and the diameters of the first and second areas are sufficient for mounting a cable drum which has been properly sized to fit within the areas.

8. Regarding **claim 2**, a view from the vehicle interior is shown in Fig. 1.

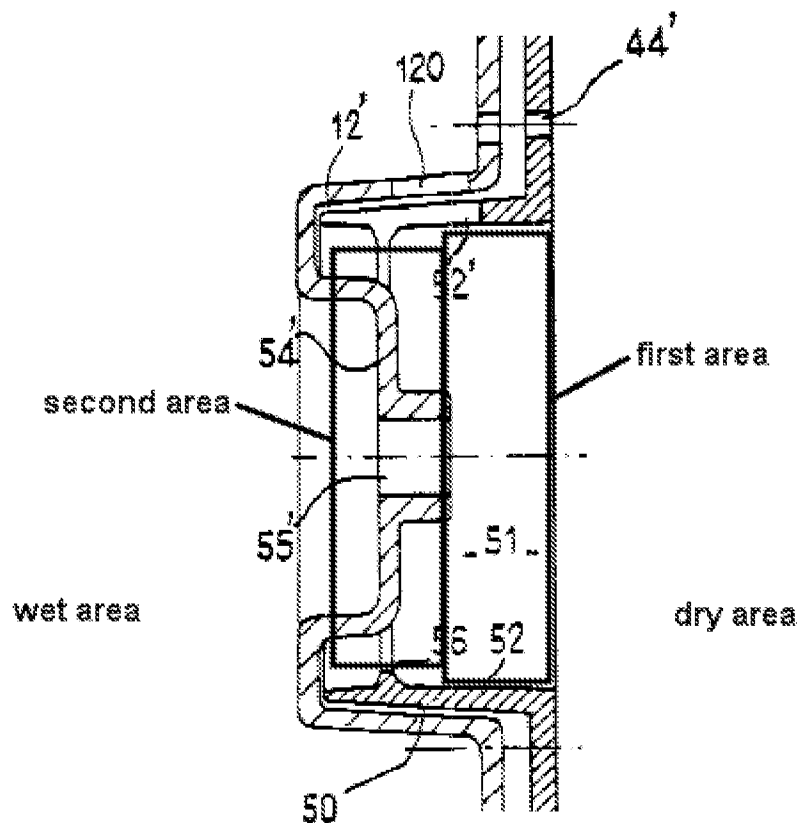
9. Regarding **claim 3**, fastening elements 42 are shown in Fig. 2.

10. Regarding **claim 5**, a slide bearing 54' is provided in the drum housing as shown in Fig. 3.

11. Regarding **claim 6**, the first diameter is greater than the second diameter as shown in the figure below.

12. Regarding **claim 8**, Velthaus discloses a door module comprising: a carrier part 20; a drum housing mounting area having integrally formed side walls and a back wall; a first area of the mounting area having a first diameter; a second area of the mounting area having a second diameter as shown in the figure below; and a thrust bearing 54' integrally formed on the back wall aligned with the first and second areas, as shown below. Examiner notes that no cable drum has been claimed, and the diameters of the first and second areas are sufficient for mounting a cable drum which has been properly sized to fit within the areas.

13. Regarding **claim 9**, the mounting area is limited by a drum housing 50 that forms a structural unit with the carrier part. Examiner notes that all parts of the device disclosed by Velthaus form a structural unit when they are connected together.



14. Regarding **claim 10**, fastening elements 42 are shown in Fig. 2.
15. Regarding **claims 11 and 12**, the carrier part divides the door interior into a wet area and a dry area as shown in the figure above, and the second area faces the wet area.
16. Regarding **claim 13**, the first diameter is greater than the second diameter as shown in the figure above.
17. Regarding **claim 15**, Velthaus discloses a door of a motor vehicle comprising: a door module (Fig. 1); a drum housing 50 having a mounting area having integrally formed side walls and a back wall; a first area of the mounting area having a first diameter; a second area of the mounting area having a second diameter as shown in the figure above; and a thrust bearing 54' integrally formed on the back wall aligned with

Art Unit: 3634

the first and second areas, as shown above. Examiner notes that no cable drum has been claimed, and the diameters of the first and second areas are sufficient for mounting a cable drum which has been properly sized to fit within the areas.

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. **Claims 7, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Velthaus et al. (US 6,574,922).**

20. Although the exact dimensions and relative proportions of the first and second areas are not disclosed, they are indicated on the drawings, even though not marked to scale, and it would have been obvious to one of ordinary skill in the art, at the time of the invention, to form the second area with a greater height than the first area, in order to accommodate the size of the cable drum of a motor vehicle.

***Response to Arguments***

21. Applicant's arguments regarding Velthaus have been fully considered but they are not persuasive. It has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973); noting that "integral" is not necessarily restricted to a one-piece article, --*In re Kohno* (CCPA) 157 USPQ 275. Further, parts can be considered "integral", if they are functionally integral. --*In re Clark* (CCPA) 102 USPQ

241. The panels 12 and 20 of Velthaus are fixed to one another using fasteners (see col. 3 lines 21-23) such that they function as an integral piece.

22. Applicant's arguments regarding Pages have been fully considered and are persuasive. The claim rejections in view of Pages have been withdrawn.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Keller whose telephone number is 571-270-5219. The examiner can normally be reached on Monday - Friday 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone

Art Unit: 3634

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/  
Supervisory Patent Examiner, Art  
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/M. J. K./  
Examiner, Art Unit 3634